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ABSTRACT

This publication analyzes current eligibility classifications and criteria used by states to identify young children in need of special education and related services. Data were retrieved from the World Wide Web and/or provided by coordinators of the state Part B-Section 619 programs, including the District of Columbia, American Samoa, and Guam, 53 jurisdictions in all. The paper describes variations among state policies in terminology, age range assigned to the category, eligibility criteria, and restrictions on its use. The author concludes that states exhibit a strong interest in using the option of a developmental delay eligibility category for young children served under the Individuals with Disabilities Education Act (IDEA). Includes three references and the following four tables: (1) Part B Disability Categories under IDEA; (2) IDEA Regulations Related to Developmental Delay for Children Ages 3 through 9 Years; 3) Summary of State Eligibility Classifications and Criteria for Young Children under Part B of IDEA; and (4) Summary Table of Early Childhood Special Education Eligibility Criteria in the States, District of Columbia, American Samoa and Guam as of October 2001. (SG)

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NECTAC Notes

By

Joan Danaher

October 2001/Issue No. 9

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Eligibility Policies and Practices for Young Children Under Part B of IDEA

by Joan Danaher

The identification of young children in need of special education and related services has been an issue with advocates, service providers, parents, researchers, and policy makers for years. The enactment in 1975 of the Education for All Handicapped Children Act (P. L. 94-142) required states and jurisdictions to provide special education and related services to children identified by the disability categories enumerated in the law (hereinafter referred to as Part B categories). This hard-won legislation was deemed an important civil rights act for children with disabilities, and it was important to specify just who was protected by this law.

As implementation of this legislation continued throughout the late 1970s and into the 1980s, concerns were raised in some quarters about how applicable and appropriate some of the disability categories are for very young children. The research community was, and remains, concerned that in young children, some developmental domains are so interrelated — e.g., cognition and language — that the underlying disability may not be readily determined. The emphasis on assignment of a disability category in order to provide access to services may result in inappropriate diagnoses and services. Some advocates maintain that labelling children with some disabling conditions in their early years creates a self-fulfilling prophecy and unfairly stigmatizes children who, with early intervention, may not continue to need special education.

In response to these concerns and to support states that had begun using noncategorical eligibility criteria for preschoolers, Congress incorporated several revisions addressing eligibility for preschoolers in subsequent reauthorizations of the law. In 1986, P. L. 99-457 — which encouraged states to serve all eligible children with disabilities from age 3 — relieved states of reporting to the U. S. Department of Education the numbers of 3- through 5-year-olds served by disability category. In 1991, P. L. 102-119 amended the law, by then renamed the Individuals with Disabilities Education Act (IDEA), to allow states, at their option, to incorporate an additional disability category for children, ages 3 through 5 years, who are experiencing developmental delays.

Continued...

More recently, the IDEA Amendments of 1997, P. L. 105-17, expanded the options that state and local education agencies (LEAs) have to identify young children with disabilities. States and locals may now apply the term developmental delay, or a term defined by the state to include children experiencing developmental delay, to 3- through 9-year-olds or a subset of this age group. The regulations for P. L. 105-17 charge the states with defining developmental delay, the age range to which it applies, and the diagnostic instruments and procedures that will be used to determine delay in the developmental areas. If the state has such a definition, LEAs may choose to use it, applying it to the age range specified by the state, but they may not use a locally defined term. The Part B disability categories currently included in IDEA are presented in Table 1. Table 2 presents the Part B regulations for developmental delay. It should also be noted here that P.L. 105-17 reinstated a reporting requirement that children ages three through five served under Part B of IDEA be counted by disability category.

Table 1
Part B Disability Categories Under IDEA

§1401. Definitions

Except as otherwise provided, as used in this chapter:

(3) Child with a disability

(A) In general — The term "child with a disability" means a child—

(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as "emotional disturbance"), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

(ii) who, by reason thereof, needs special education and related services.

(B) Child aged 3 through 9 — The term "child with a disability" for a child aged 3 through 9 may, at the discretion of the State and the local educational agency, include a child—

(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

(ii) who, by reason thereof, needs special education and related services.

IDEA Amendments of 1997; *20 U.S.C. §1401 (3)*

In response to states' interest in whether or how other states are using developmental delay or other eligibility category specific to 3- through 9-year-olds, the author, at NECTAC, analyzed the current eligibility classifications and criteria as retrieved on the World Wide Web and/or provided by the coordinators of the state Part B-Section 619 programs, including the District of Columbia, American Samoa, and Guam, 53 jurisdictions in all.

Periodically data presented in this report are sent to the coordinators for their review. The corrections and clarifications provided by the coordinators have been incorporated into this report. The results of the analysis are discussed below and are summarized in Table 3. Table 4 details each state's chosen disability term(s) for early childhood, the age range to which it applies, criteria for eligibility under that term, use of other Part B disability categories, restrictions on use of the early childhood disability category, and other comments. These data are maintained by the author at http://www.nectac.org/pubs/pdfs/nnotes9.pdf

Findings

The analysis revealed variations among state policies in terminology, age range assigned to the category, eligibility criteria, and restrictions on its use:

Disability Terminology Used for Young Children

State eligibility policies for young children under Part B of IDEA have evolved to reflect best practice and to respond to changes in the federal law. Fifty-one of the fifty-three jurisdictions included in this analysis include a disability category unique to young children, including one state that offers LEAs the option of a non-categorical approach to identification of eligible children of all ages. Thirty-five (35) states and Guam have chosen to use "developmental delay" or a variant such as "significant developmental delay" as a disability category for eligible young children, ages three through 9, or a subset of that age range. For years pre-dating the addition of developmental delay as a disability category under Part B, some states chose to use more generic descriptors of disability for young children or may even have adopted non-categorical eligibility policies for all ages. Terms such as "preschool delay," "preprimary impaired," "preschool special needs," among others were adopted by states to more appropriately address the unique developmental status

Table 2

IDEA Regulations Related to Developmental Delay for Children Ages 3 Through 9 Years

§300.7 Child with a disability.

(a) General. (1) As used in this part, the term child with a disability means a child evaluated in accordance with §§300.530-300.536 as having mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, serious emotional disturbance (hereafter referred to as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

(2)(i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under §§300.530-300.536, that a child has one of the disabilities identified in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a child with a disability under this part.

(ii) If, consistent with §300.26(a)(2), the related service required by the child is considered special education rather than a related service under State standards, the child would be determined to be a child with a disability under paragraph (a)(1) of this section.

(b) Children aged 3 through 9 experiencing developmental delays. The term child with a disability for children aged 3 through 9 may, at the discretion of the State and LEA and in accordance with §300.313, include a child—

(1) Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

(2) Who, by reason thereof, needs special education and related services.

§ 300.313 Children experiencing developmental delays.

(a) Use of term developmental delay. (1) A State that adopts the term developmental delay under §300.7(b) determines whether it applies to children aged 3 through 9, or to a subset of that age range (e.g., ages 3 through 5).

(2) A State may not require an LEA to adopt and use the term developmental delay for any children within its jurisdiction

(3) If an LEA uses the term developmental delay for children described in §300.7(b), the LEA must conform to both the State's definition of that term and to the age range that has been adopted by the State.

(4) If a State does not adopt the term developmental delay, an LEA may not independently use that term as a basis for establishing a child's eligibility under this part.

(b) Use of individual disability categories. (1) Any State or LEA that elects to use the term developmental delay for children aged 3 through 9 may also use one or more of the disability categories described in §300.7 for any child within that age range if it is determined, through the evaluation conducted under §§300.530-300.536, that the child has an impairment described in §300.7, and because of that impairment needs special education and related services.

(2) The State or LEA shall ensure that all of the child's special education and related services needs that have been identified through the evaluation described in paragraph (b)(1) of this section are appropriately addressed.

(c) Common definition of developmental delay. A State may adopt a common definition of developmental delay for use in programs under Parts B and C of the Act. (Authority: 20 U.S.C. §1401(3)(A) and (B))

Assistance to States for the Education of Children with Disabilities Rule (2001).

Table 3

Summary of State Eligibility Classifications and Criteria for Young Children Under Part B of IDEA

Disability Terms Used and Age Ranges

Developmental delay is used by a total of 35 states and Guam. Nineteen (19) states extend the age range for developmental delay beyond age 5:

Birth	through 5	(3)	GU, ME, and MS
Age 3	only	(1)	DE
Ages 3	through 5	(12)	CT, FL, IL, IN, MD, MO, NV, OR, PA, RI, SD, and WI
	through 6	(1)	MN
	through 7	(4)	GA, NC, OK, and UT
	through 8	(8)	AL, AK, HI, KY, LA, NE, VA (2 through 8), and WA
	through 9	(5)	ID, MA, NH, NM, and TN
Ages 6	through 9	(1)	KS

In addition, Iowa permits LEAs to use a categorical or noncategorical approach for all ages and Idaho LEAs may apply for and use a noncategorical waiver.

Other disability terms are designated by 17 states for some or all of the age range 3 through 9. (American Samoa and DC use the Part B categories only).

AZ	Preschool moderate delay, preschool severe delay, preschool speech/language delay
AR	Noncategorical
CA	Individual with exceptional needs
CO	Preschool child with a disability
IA	Noncategorical model or categorical (for all ages)
KS	Early childhood disability (ages 3 through 5, use DD for ages 6 through 9)
MI	Preprimary impaired
MT	Child with disabilities (ages 3 through 5)
NJ	Preschool disabled
NY	Preschool student with a disability
ND	Noncategorical delay
OH	Preschool child with a disability
SC	Preschool child with a disability (ages 3 through 5; piloting Significant DD for ages 6 through 8)
TX	Noncategorical early childhood
VT	Eligible for essential early education
WV	Preschool special needs
WY	Developmental disability

Policy Changes in Process/Under Consideration

Two (2) states are *piloting* extension of developmental delay beyond age 5.

SC (Piloting Significant Developmental Delay for ages 6 through 8)

TN (Piloting Severe Developmental Delay in 6 districts as an additional category for ages 6 through 9; currently use Developmental Delay for ages 3 through 9)

Five (5) states report being in various stages of *considering* the age range for "developmental delay" or

another noncategorical term that they use for preschool-aged children: *considering extending, planning a study or pilot of extension, or in the policy change process.*

AZ (through age 8)

IN and MD (through age 7)

CT (through age 6)

ME (age range unspecified)

Two (2) states are *adopting* or *considering* the category of "developmental delay" and an age range.

DC and MT (age range unspecified)

Use of Developmental Delay (or other state-designated early childhood disability term)

Ten (10) states use developmental delay, or other disability term, for the age range to which it applies, *only after considering* other disability categories.

AK, CO, ID, MI, NM, ND, TN, UT, WI, and WY

Thirty-four (34) states add developmental delay to the list of Part B disability categories.

AL, CO, CT, FL, GA, HI, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NC, ND, OR, PA, RI, SD, TN, TX, UT, VA, WI, and WY

Seven (7) states use developmental delay to subsume all other Part B categories.

CA, KS, MT, OH, SC, WA, and WV

Six (6) states use developmental delay to subsume disabilities such as learning disability, mental disability, emotional disability, and/or autism.

AZ, AR, DE, ID, NY, and TX

Eligibility Criteria

Forty-one (41) states use quantitative criteria for determining developmental delay or state-designated early childhood disability category.

Thirty-three of the thirty-six (33 of 36) states that use standard deviations use 2.0 SD below the mean in one developmental area and/or 1.5 SD below the mean in 2 developmental areas. (Range 1.0 SD in one area – 3.0 SD in one area).

Sixteen of the eighteen (16 of 18) states that use percent delay specify criteria within the range of 20 - 33% delay in one or two developmental areas. (Range 10-50%)

A total of twenty-eight (28) states permit eligibility based on other than quantitative scores, including team consensus, diagnosed conditions, and/or locally determined criteria.

Thirteen (13) states specify quantitative criteria but expressly permit informed team consensus, professional judgment or informed clinical opinion in lieu of quantitative criteria.

CO, DE, FL, HI, ID, KY, ME, MD, MN, MO, NE, NM, and NC

Eleven (11) states expressly permit eligibility based on the diagnosis of a condition associated with a disability. Also note that eligibility criteria for other categories such as mental disability or other health impaired may include diagnosed condition.

CA, CO, MD, MN, MS, NE, NJ, ND, RI, VT, and WI

Eleven (11) states do not specify quantitative criteria, but may provide guidance, and/or permit LEAs to set criteria.

CA, CT, IL, IA, KS, MA, NH, NJ, ND, TX, and VA

One (1) state establishes eligibility if a child received special instruction, developmental therapy services or speech services on an IFSP under Part C.

VT

of young children and to avoid premature and self-fulfilling labeling. Seventeen states use terms other than developmental delay for disability in young children. Please note that two states use *both* developmental delay and another term unique to preschool. Finally, only two of the fifty-three jurisdictions reviewed for this paper do not use an eligibility category specific to early childhood. This number is down from seven in 1998. Each state's terminology, definition and criteria, and age range is shown in Table 4.

Age Ranges Used by States for Developmental Delay

IDEA '97 provided for the extension of developmental delay by allowing states to adopt the term for the age range 3 through 9, or any subset of that age range. To date, a total of nineteen (19) states extend developmental delay beyond age five: one through age 6; four through age 7; eight through age 8; five through age 9; and, one uses developmental delay for ages 6 through 9. Additionally, one state is piloting significant developmental delay for ages 6 through 8. Two states permit LEAs to use a non-categorical approach. Section 619 Coordinators report that ten states are engaged in pilot studies or policy changes regarding adopting or extending the age range for developmental delay.

Relationship between Developmental Delay and Other Part B Categories

State policies also vary in the relationship of the developmental delay, or other disability category used in early childhood, to the other disability categories. Thirty-four (34) states add developmental delay to the list of Part B disability categories used for eligibility. Some state policies are constructed such that developmental delay subsumes or is a substitute for all, or some of, the other disability categories. Seven (7) states define developmental delay as subsuming all of the other Part B disability categories. In six (6) other states developmental delay subsumes some, but not all, of the other Part B categories. Thus a state might have as eligibility categories developmental delay and the other disability categories except for learning disability, mental disability, and emotional disability. There may be different reasons why states have constructed their policies in this manner. One may be to serve children for whom determination of a specific disabling condition is unclear. For example, speech delays may result from a number of causes. A second purpose may be to substitute developmental delay for some of the more stigmatizing disability terms such as emotional disturbance.

Ten states limit the use of developmental delay to those children who do not qualify for one of the other disability categories. This "last resort" policy may serve the purpose of identifying children who "fall through the cracks" in the early years only to be referred for special education services later. Each state's use of other Part B disability categories, and any restrictions on use of developmental delay, or other early childhood disability category, is shown in Table 4.

Eligibility Criteria for Developmental Delay

The criteria for developmental delay vary across states. Forty-one (41) states use quantitative criteria such as scores on developmental tests. Thirty-three (33) of the thirty-six (36) using norm referenced criteria use 2.0 standard deviations (SD) below the mean in one developmental area and/or 1.5 SD below the mean in two or more developmental areas. The range is 1.0 SD in one area to 3.0 SD in one area. Eighteen (18) states define delay in percentages. Sixteen (16) of them specify a delay in the range of 20 to 33 percent in one or two developmental areas. For example, a 36-month-old child functioning at a 27-month developmental level would be said to have a 25 percent delay.

States do not rely exclusively on quantitative criteria for developmental delay, however. Thirteen (13) states permit informed team consensus, professional judgment, or informed clinical opinion in lieu of test scores to determine eligibility. Eleven (11) states allow eligibility based on a diagnosis of a condition associated with delay or deviation in development. Ten (10) states do not specify quantitative criteria, but may provide guidance, and/or permit LEAs to set the criteria. Finally, one state establishes eligibility for preschool special education based on a child's having received special instruction, developmental therapy services, or speech services through an IFSP under Part C, the Infant and Toddler Program. The child remains eligible for three years following initial eligibility for Part C services.

Conclusion

States have exhibited a strong interest in using the option of a developmental delay eligibility category for young children served by IDEA. Future changes in state eligibility policies may reflect several new provisions

related to eligibility policies and practices that are contained in the regulations. These provisions require that:

- ★ a variety of assessment tools and strategies, including information from parents, be used to gather relevant functional and developmental information to assist in determining eligibility (see 34 C.F.R. §300.532–Evaluation procedures);
- ★ a team of qualified professionals and the parent(s) of the child be involved in the eligibility decision (see 34 C.F.R. §300.534–Determination of eligibility); and
- ★ the IEP team for each eligible child include the parents of the child (see 34 C.F.R. §300.344–IEP team).

NECTAC will continue to monitor the evolution of states' special education eligibility policies for young children and will make this information available to states and other interested parties. Please address your updates, questions, or clarifications to the author at NECTAC.

References

Assistance to States for the Education of Children With Disabilities Rule, 34 C.F.R. §§300.7 and 300.313 (2001).

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The Individuals with Disabilities Education Act, 20 U.S.C. §§1400-1487 (2000).

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About the Author

Joan Danaher is Associate Director of NECTAC. Her research interests include eligibility policies and information management.

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Campus Box 8040, UNC-CH
Chapel Hill, NC 27599-8040

919-962-2001 ★ phone
919-843-3269 ★ TDD
919-966-7463 ★ fax

nectac@unc.edu ★ www.nectac.org

Principal Investigator: Pascal Trohanis
Contracting Officer's Representative at OSEP: Peggy Cvach
Contract Specialist at U.S. ED: Dorothy Hunter
Publications Coordinator: Caroline Armijo

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Table 4

Summary Table of Early Childhood Special Education Eligibility Criteria in the States, District of Columbia, American Samoa and Guam as of October 2001

How to Read This Table

Column 1 – State abbreviation

Column 2 – Developmental Delay or Early Childhood-Specific Category/Classification and Criteria

- Contains the state's term(s) in quotation marks for disability category used only for young children, typically in the age range 3 through 9 or a subset thereof
- Contains the eligibility criteria or said term(s)
- Criteria for early-childhood-specific eligibility categories typically reference a child's status in one or more developmental areas. The term "area" in this column refers to developmental area. Although states vary somewhat, most list five areas (or some variation thereof): cognitive, language, physical, psychosocial and self-help. SD refers to standard deviations below the mean on a norm-referenced standardized instrument.

Column 3 – Age Range for Developmental Delay or Early Childhood-Specific Category - the age range to which the category in column 2 applies

Column 4 – Use of Part B Disability Categories/Restriction on Developmental Delay or Early Childhood-Specific Category

- "Used" indicates which Part B disability categories are used for children in the early childhood age range designated by the state
- "Subsumed" indicates which Part B disability categories the state includes within its definition or criteria for DD or for its early childhood-specific category; developmental delay is used for categories such as learning disabilities which may be difficult to definitively diagnose in younger children
- "Restriction" indicates whether the state policy is to use developmental delay, or other disability term specific to early childhood, only if the child is not eligible under another category but meets the criteria for developmental delay, or other term

Column 5 – Source and Date

- R -- Rules or regulations
- G -- Guidance document such as Guidelines, Handbook
- L -- State Law, statute, code
- O -- Other - correspondence, memo distributed within the state on implementing eligibility policy
- P -- State's plan and procedures for implementing IDEA submitted to OSEP
- Subscript (pc) - personal communication from Section 619 Coordinator or other state official
- Date on the source document, date effective, or most recent date acknowledged. For example, some state documents on-line may show the most recent date that volume of regulations was updated. It may not mean that the regulations for special education changed on that date. NASDSE's FORUM project has provided leadership in the National State Policy Database and maintains a table of expected state regulations revisions. Many states have revised their regulations very recently or are in the process of doing so.

State	Developmental Delay (DD) or Early Childhood-Specific Category/Classification and Criteria	Age Range for DD or Early Childhood-Specific Category	Use of Part B Categories (those used, those subsumed in definition of DD) / Restriction on DD/EC Category	Source and Date
AL	"Developmental delay": 2 SD in one area 1.5 SD in two areas Supporting evidence on criterion-referenced or other norm-referenced instrument and evidence delay adversely affects performance of age appropriate activities	3 through 8	*Used:* All	R 1/01
AK	"Early childhood developmentally delayed": 2 SD or 25% delay in one area 1.7 SD or 20% delay in two areas	3 through 8	*Used:* All *Restriction:* "Early childhood developmentally delayed" used as a last resort	G 9/01
AS	None	N/A	*Used:* All	
AZ	"Preschool moderately delayed": 1.5 SD in two areas "Preschool severely delayed": More than 3 SD in one area "Preschool speech/language delayed": 1.5 SD and assessment indicates child not eligible under a different category *plus* Parent input, comprehensive developmental assessment and preponderance of information	3 to "required age for kindergarten" (LEA may admit child within 90 days of third birthday but receives no state or federal funds until date of third birthday)	*Used:* Hearing, vision impairment *Subsumed:* All others	L 5/00
AR	"Noncategorical": Means a condition of developmental delay which impairs a child's functioning 2 SD in one area 1.5 SD in two areas Delays in self-help and motor skills (gross and fine) can be expressed in months, %ile, or age equivalents using criterion-referenced tests: 3 years: 11 months, <3%ile, 2 yr 1mo or less-one area 8 months, <7%ile, 2 yr 4 mo or less-two areas 4 years: 14 months, <3%ile, 2 yr 10 mo or less-one area 11 months, <7%ile, 3 yr 1 mo or less-two areas 5 years: 18 months, <3%ile, 3 yr 6 mo or less-one area 14 months, <7%ile, 3 yr 10 mo or less-two areas	3 through 5	*Subsumed:* Mental retardation, emotional disturbance, learning disability	R 6/00
CA	"Individual with exceptional needs" has disabling condition per 34CFR§300.7 or, "established medical disability"	3 through 5	*Subsumed:* All	L 1/00

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State	Developmental Delay (DD) or Early Childhood-Specific Category/Classification and Criteria	Age Range for DD or Early Childhood-Specific Category	Use of Part B Categories (those used, those subsumed in definition of DD) Restriction on DD/EC Category	Source and Date
CO	"Preschool child with a disability": 1.5 SD in one area or 7%ile or standard score of 76 *or* Has identifiable condition known to be associated with significant delays in development *or* Informed opinion of assessment team with written documentation	3 through 5	*Used:* All *Restriction:* "Preschool child with a disability" used as a last resort	R 3/99
CT	"Developmental delay": Significant delay in one or more areas	3 through 5	*Used:* All	L 1998
DE	"Developmental delay" – 3-year-olds only (categorical for 4-year-olds): 2 SD in one area 1.5 SD in two areas *or* Professional judgment of IEP team based on multiple sources of information and written justification	3 only	For 3-year-olds - *Used:* Autism, deaf-blindness, hearing impairment, severe and trainable mental disability, physical impairment, traumatic train injury, visual impairment *Subsumed:* Learning disability, emotional disturbance, educational mental disability For 3 and 4 year olds – *Used:* Preschool speech delay For 4-year-olds - *Used:* All others	R 7/00
DC	Uses Part B categories only.	N/A	*Used:* All	
FL	"Developmentally delayed": 2 SD or 25% delay in one area 1.5 SD or 20% delay in two areas *or* Informed clinical opinion	3 through 5	*Used:* All	R 5/00
GA	"Significant developmental delay": 2 SD in one area 1.5 SD in two areas	3 through 7	*Used:* All	R 8/01
GU	"Developmental delay"	B through 5		O 2/01 pc

State	Developmental Delay (DD) or Early Childhood-Specific Category/Classification and Criteria	Age Range for DD or Early Childhood-Specific Category	Use of Part B Categories (those used, those subsumed in definition of DD) / Restriction on DD/EC Category	Source and Date
HI	"Developmental delay": 1.5 SD in one area, except if the area is cognitive, then adaptive development must also be 1.5 SD below the mean (3 through 5) 1.5 SD in 3 areas (6 through 8) *or* Team, including parent, determines that patterns of learning deviate from age expectations across settings and provides the basis and method used in determining eligibility	3 through 8 Note: Different criteria for 6 through 8	*Used:* All	R 6/00
ID	"Developmental delay": Used when other disability categories don't apply 2 SD or 30% delay in age equivalency or function at less than the third percentile in one area 1.5 SD or 25% delay in age equivalency or function at less than the seventh percentile in two or more areas *or* Professional judgment LEAs may apply for and use noncategorical waiver.	3 through 9	*Subsumed:* Learning disabled (for 3 through 5) *Used:* All others *Restriction:* "Developmental delay" used as a last resort	R 4/00 and G 4/97
IL	"Developmentally delayed": Meet the criteria of one or more of the other disability categories and are experiencing delay in at least one area	3 through 5	*Used:* All	R 5/00
IN	"Developmental delay": 2 SD in one area 1.5 SD in two areas	3 through 5	*Used:* All	R 6/00
IA	AEAs and LEAs may identify students with disabilities using either a categorical or noncategorical model. "...diagnosis of specific disability, such as autism or sensory impairment may enhance the development and ongoing provision of an appropriate educational program."	N/A	*Used:* All	R 2/00
KS	"Early Childhood Disability": Significant delay in one or more developmental areas --- "Developmental delay": Definition as per federal regulations	3 through 5 --- 6 through 9	*Subsumed:* All --- *Used:* All	R 5/00

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KY	"Developmental delay": 2 SD in one area 1.5 SD in two areas *or* Professional judgment of significant atypical quality or pattern of development if normed scores are inconclusive and there is written documentation	3 through 8	*Used:* All	R 9/00
LA	"Developmental delay": 1.5 SD or 25% delay in one area	3 through 8	*Used:* All	O 4/00
ME	"Developmental delay": Parent report, informed clinical judgment, standardized measures where appropriate 2 SD or 25% delay in one area 1.5 SD or 15% delay in two areas *or* 1 SD or 10% delay in one area, plus established biological risk factors	Birth through 5	*Used:* All for ages 3 through 5 (the birth through two program under Part C of IDEA uses only "developmental delay.")	R 6/00
MD	"Developmental delay": 25% delay in one area *or* Atypical development or behavior *or* Diagnosed condition with high probability of delay	3 through 5	*Used:* All	O 10/01 pc
MA	"Developmental delay": Learning capacity significantly limited, impaired, or delayed and is exhibited by difficulties in one or more areas	3 through 9	*Used:* All	R 9/00
MI	"Preprimary impaired": 50% delay in one or more areas, measured by more than one developmental scale, which cannot be resolved by medical or nutritional intervention (use only if one of the categories is not clearly differentiated)	3 through 5	*Used:* All *Restriction:* "Preprimary impaired" used as a last resort	R 4/97
MN	"Developmental delay": 1.5 SD in two areas *or* Medically diagnosed syndrome or condition *or* Professional judgment (i.e., team override)	3 through 6	*Used:* All	R 6/00

State	Developmental Delay (DD) or Early Childhood-Specific Category/Classification and Criteria	Age Range for DD or Early Childhood-Specific Category	Use of Part B Categories (those used, those subsumed in definition of DD) / Restriction on DD/EC Category	Source and Date
MS	"Developmental delay": 1.5 SD or 25% delay in two areas *or* Diagnosis of disorder of known etiology or chronic or acute medical condition by physician with research to support predicted delays	Birth through 5	*Used:* All	P 4/00
MO	"Young Child with a Developmental Delay": 2 SD or equivalent levels in one area 1.5 SD or equivalent levels in two areas *or* Professional judgment - significant deficit that does not meet stated criterion; or, functioning above criterion due to intensive early intervention, to avoid regression	3 through 5 if identified prior to age of kindergarten eligibility	*Used:* All	P 4/00
MT	"Child with disabilities... ages 3 through 5": experiences a severe delay in development, meets criteria of one of the disability categories *or* 2 SD in one area 1.5 SD in two areas	3 through 5	*Subsumed:* All	R 7/00
NE	"Developmental delay": 2 SD in one area 1.3 SD in two areas *or* Informed clinical opinions of qualified professionals in consultation with the family *or* Diagnosed condition with high probability of resulting in a substantial delay	Birth through 8+ (at discretion of LEA beyond age 5)	*Used:* All	R 10/00
NV	"Developmentally delayed": 2 SD in one area 1 SD in two areas	3 until age 6 on or before 9/30 of current school year	*Used:* All	R 2/00
NH	"Developmental delay": Has impairment in development and has been determined to have one of the other educationally disabling conditions	3 through 9	*Used:* All *Restriction:* Must be determined to have one of the other educationally disabling conditions	R 7/01
NJ	"Preschool disabled": Identified disabling condition or measurable developmental impairment	3 through 5	*Used:* All	R 6/00

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NM	"Developmentally delayed": 2 SD or 30% in one area *or* Professional judgment of qualified evaluator and IEP team	3 through 9	*Used:* All *Restriction:* "Developmentally delayed" used as a last resort	O 12/00
NY	"Preschool student with a disability": 2 SD or 33% delay in one area 1.5 SD or 25% delay in two areas *or* 12-month delay in one or more areas	3 through 4	*Used:* Autistic, deaf, deaf-blind, hearing impaired, orthopedically impaired, other health impaired, traumatic brain-injured, visually impaired *Subsumed:* Mentally retarded, multiple disabilities, emotionally disturbed, learning disabled, speech or language impaired	R 1/00
NC	"Developmentally Delayed": (a) Delayed/Atypical Development 2 SD or 30% delay in one area 1.5 SD or 25% delay in two areas and Informed educational/clinical opinion and appropriate assessment measures. *or* (b) Delayed/Atypical Behavior evidence that the patterns of behavior occur in more than one setting over an extended period of time. (i) for ages 3-5, one or more of the following: a. delayed or abnormalities in achieving milestones and/or difficulties with issues, such as: 1. attachment and/or interaction with other adults, peers, materials, and objects; 2. ability to communicate emotional needs; 3. ability to tolerate frustration and control behavior, or 4. ability to inhibit aggression. b. fearfulness, withdrawal, or other distress that does not respond to comforting or interventions;	3 through 7	*Used:* All	R 8/00

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	c. indiscriminate sociability, for example, excessive familiarity with relative strangers; or d. Self-injurious or other aggressive behavior. (ii) ages 6-7, two or more of the following: a. the inability to interact appropriately with adults and peers; b. the inability to cope with normal environmental or situational demands; c. the use of aggression or self-injurious behavior, or d. the inability to learn due to social/emotional deficits. (iii) Identification based on informed educational/clinical opinion and appropriate assessment measures.			
ND	"Non-categorical delay": 2.0 SD or 30% delay in one area, 1.5 SD or 20% in two areas *or* Syndromes and disorders associated with disability; children functioning above stated criteria but eligible based on expected regression if intervention discontinued; children impacted by severe environmental deprivation such as both parents being developmentally disabled. Use limited to unclear diagnosis and well documented delay.	3 through 5 (through the end of the school year in which the child turns 6)	*Used:* All *Restriction:* Use limited to unclear diagnosis and well documented delay	R 12/99
OH	"Preschool child with a disability": 2 SD in one area 1.5 SD in two areas *or* Meets specific criteria for vision or hearing deficit	3 through 5	*Subsumed:* All	R 12/00 (Draft 2.0)
OK	"Developmental delay": 2 SD or 50% in one area 1.5 SD or 25% delay in two areas For ages 6 - 7 may use categorical criteria	3 through 7	*Used:* Deafblindness, deafness or hearing impairment, visual impairment including blindness	R 4/00 (Draft)
OR	"Developmental delay": 1.5 SD in two areas (Birth to three, three to five years) 2.0 SD in one area (Birth to three years)	Birth to age of eligibility for kindergarten	*Used:* All	R 5/00

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State	Developmental Delay (DD) or Early Childhood-Specific Category/Classification and Criteria	Age Range for DD or Early Childhood-Specific Category	Use of Part B Categories (those used, those subsumed in definition of DD) Restriction on DD/EC Category	Source and Date
PA	"Developmental delay": 1.5 SD or 25% delay in one area	3 to kindergarten entry, could be 5.5 years as set by LEA	*Used:* All	R 6/01
RI	"Developmental delay": 2 SD or 25% delay in one area 1.5 SD in two areas *or* Diagnosed condition which would adversely affect educational performance	3 through 5	*Used:* All	R 12/00
SC	"Preschool child with a disability": 2 SD in one area 1.5 SD in two areas *or* Meets state criteria for selected categories --- Pilot - Significant developmental delay 2 SD in one area 1.5 SD in two areas	3 through 5 --- Pilot - 6 through 8 or any sub-part	*Subsumed:* All ---	R 10/99 --- O 4/00
SD	"Developmental delay": Has Part B disability or severe delay which is defined as 2 SD in one area 1.5 SD in two areas	3 through 5	*Used:* All	R 9/98
TN	"Developmental delay": 2 SD or 40% delay in one area 1.5 SD or 25% delay in two areas *and* Professional observation in the child's natural environment *and* Interview with family member documenting child's strengths and needs	3 through 9 (initial eligibility before age 7)	*Used:* All TN also uses a "functionally delayed" category of disability *Restriction:* "Developmental delay" used as a last resort, initial eligibility before age 7	R 7/00 Proposed
TX	"Noncategorical Early Childhood": May be used when a child meets criteria for learning disability, mental retardation, emotional disturbance, or autism, or when evaluation data establish a belief that the child meets the requirements for one or more of these categories	3 through 5	*Used:* All *Subsumed:* LD, MR, ED, Autism	R 3/01

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UT	"Developmental delay": 2.5 SD or < 1%ile in one area 2.0 SD or < 2%ile in two areas 1.5 SD or < 7%ile in three areas	3 through 7	*Used:* All *Restriction:* When adequate evaluation data are available, children must be classified in one of the other specific disabilities categories.	R 6/00
VT	"Eligible for essential early education": 40% delay in one area *or* Medical condition that may result in significant delays *or* If a child receives special instruction, developmental therapy services, or speech services through an IFSP, eligibility is established until 3 years from initial Part C eligibility.	3 through 5	*Used:* None	R 3/00
VA	"Developmental delay": Delay in one or more areas (local standards used, 25% delay or 1.0 SD per anecdotal reports)	2 through 8 (2 through 5 required, 5 through 8 optional)	*Used:* All	R 1/01
WA	"Developmental delay": Child meets criteria for developmental delay – 2 SD in one area 1.5 SD in two areas (does not apply for 6 through 8) *or* Qualify for one of the Part B categories	3 through 8 Note: Different criteria for 6 through 8	*Subsumed:* All	R 1/00
WV	"Preschool special needs": 25% delay in two areas	3 through 5	*Subsumed:* All	R 1/00
WI	"Significant developmental delay": 1.5 SD in two areas or other appropriate measures. Other suspected handicapping conditions shall be considered	3 through 5 *or* below compulsory school age	*Used:* All *Restriction:* "Significant developmental delay" used after other categories considered	R 2/97 O 4/97, 8/98
WY	"Developmental disability": Child does not qualify in other categories; 2 SD in one area 1.5 SD in two areas *and* Confirmation of developmental disability through observation data and information obtained from the child's parent(s), teachers, and/or primary caregivers.	3 to enrollment in a public school program	*Used:* All *Restriction:* Child does not qualify in other categories	R 5/00

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national early childhood TA Center

National Early Childhood Technical Assistance Center
919-962-2001 ☆ phone 919-966-7463 ☆ fax 919-843-3269 ☆ TDD
www.nectac.org ☆ web nectac@unc.edu ☆ email

a program of the Frank Porter Graham Child Development Institute at the University of North Carolina at Chapel Hill

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